

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

<p>KRISTIN MARIE SMITH , AND LLOYD SMITH,</p> <p>Plaintiffs,</p> <p>v.</p> <p>TOYOTA MOTOR CORPORATION, TOYOTA MOTOR SALES, U.S.A., INC.</p> <p>Defendants.</p>	<p>Case No. 2:16-cv-00024-ERW</p>
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**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
ON DEFENDANTS' AFFIRMATIVE DEFENSES**

COME NOW Plaintiffs, KRISTIN MARIE SMITH and LLOYD SMITH, and for Plaintiffs' Motion for Partial Summary Judgment on Defendants' Affirmative Defenses, and state as follows:

1. This motion is brought pursuant to Rule 56 and seeks partial summary judgment regarding certain of Defendant Toyota's affirmative defenses as raised in its Answer, which have no factual or legal basis under the circumstances of this case. Therefore Plaintiffs are entitled to judgment as a matter of law as to each of those defenses.

3. Plaintiffs have filed herewith, and incorporate herein, their Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment on Defendants' Affirmative Defenses, setting forth the reasons why Plaintiffs are entitled to summary judgment.

WHEREFORE Plaintiffs respectfully request that the Court make and enter its Order granting Plaintiffs' Motion for Partial Summary Judgment, and for any other relief the Court deems just and proper, the premises considered.

DATED THIS 5TH DAY OF JANUARY, 2018.

RESPECTFULLY SUBMITTED,

/s/ C. Tab Turner

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CERTIFICATE OF SERVICE

I hereby certify that on 5TH day of January, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send e-mail notification of such filing to the following:

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